

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 8
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Mel and Lerah Parker
472 Riverview Dr.
Libby, MT 59923

October 27, 2006

Dear Mr. and Mrs. Parker:

This letter is in response to your letter dated July 27, 2006 addressed to Max Dodson and Mrs. Parkers' letter dated Oct. 2, 2006 addressed to Mike Cirian concerning the former screening plant property.

In your letter dated July 27, 2006 you addressed the implementation of the Reimbursement Agreement and the six items that were listed in the EPA's letter of October 12, 2005.

I. Reimbursement Agreement Section VI Modifications.

The EPA provided you with a Notice of Availability (NOA) for your property on June 16, 2006 which is not considered an amendment, modification, or termination under the Reimbursement Agreement. See Section I.A. of the Reimbursement Agreement. The EPA has met the contract requirements and has completed the response actions at the Screening Plant.

It is EPA's position that the NOA is not a document that requires the agreement or signature of the property owner. The purpose of the NOA is to notify the owners that the EPA has completed its work at the site and that the property is now ready for occupancy and use by the owners.

II. Regarding the six items listed in the October 12, 2005 letter; All six items listed below were completed prior to the delivery of the "Notice of Availability" Dated June 16, 2006.

- 1) Potable Water Well. You have agreed that this action was completed prior to the delivery of the NOA.
- 2) Kentucky Blue Grass (lack of). The seeding was performed successfully under the Reclamation/Revegetation Specification February 2003 (Section 3.15 SEED ESTABLISHMENT PERIOD: B. Seeding Success/failure.) However in the attempt to show a good faith resolution to your concern about the lack of blue grass, the EPA agreed to schedule a contractor to re-seed 14.2 acres of your property with blue grass. This seeding work was completed on



October 20, 2006. Completion of this item did not affect your occupancy or use of the property. This item is completed.

- 3) Septic Tank. You have agreed that this action was completed prior to the delivery of the NOA.
- 4) Wire from Transformer. You have agreed that this action was completed prior to the delivery of the NOA.
- 5) Lack of Pressure at the frost-free nozzle located near the green building and along highway 37. It is my understanding that you have investigated and fixed the water pressure issue at this location. This item is now completed.
- 6) Providing Property As-builts. You have agreed that this action was completed prior to the delivery of the NOA.
- 7) Unforeseen Conditions. The last issue in this category is the pressure loss in the potable waterline that you indicated to the EPA in September 2006. This item has since been resolved. Mike Cirian met with a plumber (Glen Doubek) at the site and determined that the water pressure is stable between the well house and the valve you recently installed near the frost free leading to the green building. See the enclosed report: Potable Waterline Pressure issues, Former Screening Plant – Libby, MT. As described in this report the problem with the waterline pressure drops appears to be upstream of the newly installed ball valve. Hence, it is not in an area installed by the EPA. Mike Cirian is available to meet with you to review this report and discuss any questions or concerns you may have. However, as far as the Agency's obligations this item is completed.

- III. During our meeting in August 2006 EPA agreed to extend the temporary relocation assistance (Section I.C. of the Reimbursement Agreement) originally scheduled to end December 16, 2006 per the 6 month agreement an additional 2 months in order to include time for review of documents and seeding of your property. The final payment is scheduled to end February 28, 2007.

In regards to Mrs. Parkers' letter Dated Oct. 02, 2006 to Mike Cirian, Mr. Cirian has never intended to put blame on either party but is attempting to work with you and others. His intent is to find the problem first and solution next while trying to remind both parties to stay neutral until the problem has been resolved and a beneficial resolution can be reached.

In conclusion, the EPA has worked with you to completely resolve all outstanding issues at the site. The property is currently available to you for your use and occupancy as per the NOA issued on June 16, 2006.

The EPA will continue the temporary relocation assistance payments until February 28, 2007. If you have any questions regarding this letter or would like to discuss this in further detail please contact me at (303) 312-6808.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul R. Peronard', written over the word 'Sincerely,'.

Paul R. Peronard
Libby Project Team Leader
US EPA

cc: Mike Cirian
Matthew Cohn